

Section 39 M. of Chapter 30 of the General Laws contains in part the following:

"(a) Every contract for the construction, reconstruction, alteration, remodeling or repair of any public work, or for the purchase of any material, as hereinafter defined, by the commonwealth or by any county, city, town, district, or housing authority, and estimated by the awarding authority to cost more than five thousand dollars in the case of the commonwealth and more than two thousand dollars in the case of any other such awarding authority, shall be awarded to the lowest responsible and eligible bidder on the basis of competitive bids publicly opened and read by such awarding authority forthwith upon expiration of the time for the filing thereof; provided, however, that such awarding authority may reject any and all bids, if it is in the public interest so to do.

"(e) The word 'material' as used in this section shall mean and include any article, assembly, system, or any component part thereof. '"

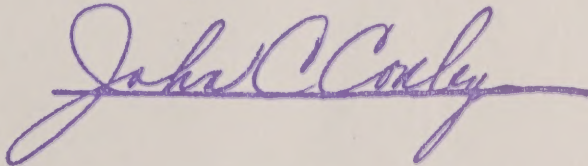
In my opinion the provisions of this Section are not applicable in the instant case. The statute makes specific reference to certain public bodies, including but not limited to housing authorities. It makes no reference to redevelopment authorities. It was enacted after the redevelopment authority was created. The Legislature is conclusively presumed to have known of the existence of redevelopment authorities at the time of the passing of the act.

Under the doctrine of *Inclusio Unius Est Exclusio Alterius* (The inclusion of one is the exclusion of the other), the redevelopment authority is excluded. The certain designation of one person is the absolute exclusion of all others.

I also think this statute is not applicable because this contract does not involve material as set forth in the statute. This is a contract for personal services and not for an assembly, system or any component part thereof.

JCC/bc

c: Messrs. Logue  
Simonian





MEMORANDUM

TO: Boston Redevelopment Authority

FROM: John C. Conley, General Counsel

DATE: May 19, 1965

SUBJECT: AWARD OF THE CONTRACT FOR THE PRINTING OF THE  
MASTER PLAN FOR THE CITY OF BOSTON

The question has arisen as to whether the Authority is required by law to advertise for bids for publication of its master plan. I am informed that no federal funds are involved. It was estimated that this contract would exceed \$2,500.

Section II c. of the Authority's Procurement Policy contains the following conditions:

"For purchases and contracts in excess of \$2,500, the Purchasing Agent shall invite bids by public advertising in at least one newspaper of general circulation in the locality, or by mailing Invitations for Bids to such available prospective bidders as will provide adequate competition, or a combination of both such methods. Tabulations of such bids will be maintained of file.

"g. For purchases and contracts specified in II-b and II-c above, lack of competitive quotations or bids is permissible only when an emergency exists which permits no delay for safety of persons or property, or when only one source of supply is available and the Purchasing Agent shall so certify. If an award is made without competition, a report of such award, together with a statement justifying the lack of competition, shall be made to the Authority.

"h. With respect to the purchases and contracts specified in II-b and II-c, the Purchasing Agent shall make the purchase from or award the contract to the lowest responsible bidder who meets the specified requirements of such equipment, materials, supplies or services."

These conditions may be waived by the Authority.